

REMARKS

Claim Rejections - 35 U.S.C. §102

Claims 37-40, 49-52 and 61-64 are rejected as being allegedly anticipated by Silverbrook et al., (U.S. 6,678,499) (hereinafter "Silverbrook"). Applicants respectfully traverse in view of the following.

Independent Claim 37 recites determining an instructional response, wherein the instructional response is an instruction from the computing device for use by user of the computing device, as claimed. Accordingly, in response to the user input, the computing device determines an instructional response for rendering to the user.

In contrast, Silverbrook discloses that for each examination, the user may be an examiner, a marker or an examinee (see Silverbrook, col. 46, lines 8-10). Silverbrook further discloses that the examinee may give an answer, e.g., an answer to a multiple choice question or essay (see Silverbrook, col. 46, lines 31-35). A written answer may be converted to text using handwriting recognition and each answer may be associated with a score and a comment (see Silverbrook, col. 46, lines 35-39). Silverbrook further discloses that a completed examination may be printed by a marker and extra fields may be printed for essay style questions to allow the marker to enter the score and comments against the answer (see Silverbrook, col. 48, lines 3-6).

Accordingly, Silverbrook discloses that an examination paper is provided to an examinee. The examinee enters answers on the examination paper. The examiner then prints the examination paper and provides a score and comments. The rejection asserts that “instructional responses are understood to be answers to questions.” However, in Silverbrook, the answers to questions are entered by the examinee. As such, Silverbrook fails to teach or suggest that the instructional response is an instruction from the computing device for use by a user of the computing device, as claimed.

Independent Claim 37 further recites an output device for outputting the instructional response, wherein the input device, the processor and the output device reside in a same housing, as claimed.

As presented and discussed above, Silverbrook discloses that the examination may be printed. As discussed above, the instructional response, as claimed, differs from answers to questions, as disclosed by Silverbrook. As such, Silverbrook also fails to teach or suggest an output device for outputting the instructional response in the claimed fashion.

Moreover, Silverbrook discloses a printer that is separate from the sensing device. Thus, Silverbrook fails to teach or suggest that the input device, the processor and the output device are disposed in a common housing, as claimed.

Accordingly, Silverbrook fails to anticipate independent Claim 37, under 35 U.S.C. §102(e). Independent Claims 49 and 61 similarly recite that the instructional response is an instruction from the computing device to a user of the computing device, as claimed. Thus, Claims 49 and 61 are patentable for reasons similar to that of Claim 37. Dependent claims are patentable by virtue of their dependency.

As per Claims 40, 52 and 64, Silverbrook discloses that an infrared LED provides infrared radiation for projection onto the surface where an image sensor receives the reflected radiation from the surface (see Silverbrook, col. 39, lines 62-65). As a result, a written answer may be converted to text using handwriting recognition (see Silverbrook, col. 46, lines 35-39). Accordingly, infrared radiation reflected from the written answer is captured optically and the optional images are used by a handwriting mechanism to detect “what” the user has written. Thus, Silverbrook discloses determining “what” the user has written based on optically captured images whereas Claims 40, 52 and 64 recite detecting a plurality of substantially invisible codes printed on the surface, as claimed. It is by recognizing these codes as the pen traverses that information is determined, not by analyzing optically captured images of the writing, as taught by Silverbrook.

As such, allowance of Claims 37-40, 49-52 and 61-64 is earnestly solicited.

Claim Rejections - 35 U.S.C. §103

Claims 41-48, 53-60 and 65-72 are rejected as being allegedly unpatentable over Silverbrook in view of Nagasaki et al. (U.S. 5,896,403) (hereinafter "Nagasaki"). Applicants respectfully traverse in view of the following.

Nagasaki fails to remedy the failures of Silverbrook discussed above with respect to the independent claims. Thus, Claims 41-48, 53-60 and 65-72 are patentable at least by virtue of their dependency.

Moreover, the rejection admits that Silverbrook fails to teach that the output device is an audio output device, as claimed. The rejection relies on Nagasaki. Applicants respectfully traverse in view of the following.

Claim 41 recites that the output device is an audio output device operable to output an audio instructional response based on the unstructured user input and in accordance with codes residing within the computing device, as claimed. Accordingly, the audio output changes as the unstructured user input changes, e.g., a user answer to a question is not pre-coded but changes. Moreover, the audio output is in accordance with codes stored within the computing device. Claims 53 and 65 recite limitations similar to that of Claim 41.

In contrast, Nagasaki discloses that a user traces the dot code with a pen type information reproducing apparatus (see Nagasaki, col. 9, lines 62-64). Nagasaki further discloses that the dot code can be converted into a sound that a user can hear (see Nagasaki, col. 9, lines 64-66). The audio information includes

teaching materials for foreign languages, musical scores, texts for correspondence courses, repair manuals, language dictionaries, etc. (see Nagasaki, col. 12, lines 59-67).

Accordingly, the audio output of a given position does not change and remains constant because the dot code that is converted into a sound remains unchanged. As such, Nagasaki fails to teach or suggest that the output device is an audio output device operable to output an audio instructional response based on the unstructured user input, as claimed because the audio output changes as the unstructured user input changes whereas the dot codes of Nagasaki remain unchanged.

Moreover, Nagasaki discloses that a dot code can be converted into an audible sound. The rejection admits that Nagasaki teaches that sound data is recorded on a paper sheet. Therefore, Nagasaki discloses sound generation using dot codes on a surface and not in accordance with codes residing within the computing device, as claimed.

As such, Silverbrook alone or in combination with Nagasaki fails to render Claims 41, 53 and 56 obvious, under 35 U.S.C. §103(a). Claims 42-48, 54-60 and 66-72 are patentable by virtue of their dependency.

As per Claims 48, 60 and 72, the cited references Silverbrook and Nagasaki provide no suggestion for combination in the claimed fashion.

Silverbrook explicitly teaches transmission of coded data to a computer system that is separate from the sensing device where the coded information is processed or the examination paper is printed (see Silverbrook, col. 3 line 58 to col. 4 line 2 and col. 48, lines 2-6). Accordingly, the sensing device, as disclosed by Silverbrook, is merely for detecting coded data and transmitting the coded data to a computer system where the examiner and/or marker can mark and process the exam. Thus, using the speech output device of Nagasaki not only fails to serve a constructive purpose (since it has no use for an examinee answering questions under exam conditions) but it would be disruptive to other examinees taking the exam. Therefore, in view of the cited art, one would not be motivated to have a writing device that comprises an output device where the writing device forms a housing, as claimed.

The rejection in response to Applicants' argument asserts that Silverbrook is not limited to an embodiment of traditional examination in a classroom. Applicants wish to point out that the majority of Silverbrook reference discusses various embodiments within the examination context. Furthermore, Applicants wish to respectfully remind the Examiner that the prior art must be considered in its entirety, including disclosures that teach away from the claims (see MPEP §2141.02; *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984)). As such, one sentence in the entire reference stating that the netpage user may be an examination user or a participant in any other netpage activities, education or

otherwise (see Silverbrook, col. 46, lines 5-7) is strongly outweighed by a body of evidence in Silverbrook teaching away from the claim limitations.

As per Claims 42, 54 and 66, the rejection admits that Silverbrook further fails to teach that a task is audibly presented to the user by the audio output device, as claimed. The rejection relies on Nagasaki. Applicants respectfully traverse in view of the following.

As presented and discussed above, Nagasaki discloses providing auditory teaching material. Thus, Nagasaki merely outputs audio information that is educational in nature, e.g., teaching materials for foreign languages, musical scores, repair manuals, etc. The rejection asserts that voice and facsimile operation instruction, as disclosed by Nagasaki (see Nagasaki, col. 13, line 2) equate to a task, as claimed. Instructions on how to operate voice and facsimile merely provide educational tools as to “how” to operate voice and facsimile and differ from a task, as claimed, that asks a user to perform an action as dictated by the task. Thus, Nagasaki fails to either teach or suggest that a task is audibly presented to the user by the audio output device, as claimed. Claims 43, 47, 55, 59, 67 and 71 are patentable over the cited combination under similar rationale.

Accordingly, Silverbrook alone or in combination with Nagasaki fails to render Claims 41-48, 53-60 and 65-72 obvious, under 35 U.S.C. §103(a). As such, allowance of Claims 41-48, 53-60 and 65-72 is earnestly solicited.

For the above reasons, the Applicants request reconsideration and withdrawal of the rejections under 35 U.S.C. §102 and 35 U.S.C. §103.

CONCLUSION

In light of the above listed remarks, reconsideration of the rejected Claims is requested. Based on the arguments presented above, it is respectfully submitted that Claims 37-72 overcome the rejections of record and, therefore, allowance of Claims 37-72 is earnestly solicited.

Please charge any additional fees or apply any credits to our PTO deposit account number: 50-4160.

Respectfully submitted,
MURABITO, HAO & BARNES LLP

Dated: August 18, 2008

/Amir A. Tabarrok/
Amir A. Tabarrok
Registration No. 57,137

MURABITO, HAO & BARNES LLP
Two North Market Street
Third Floor
San Jose, California 95113

(408) 938-9060 Voice
(408) 938-9069 Facsimile